

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

April 13, 2007

Attendance:

Senator Robert Clegg, Chairman, designee for Dept of Safety
Laura A. Black, PE - Board of Engineers, licensed electrical engineer
Wayne A. Richardson, NH Building Officials Association, municipal building official
Thomas Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire
Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber
Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician
John Tuttle, NH Home Builders Association, Architectural designer - residential
Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician
Joel Fisher, Board of Engineers, licensed structural engineer
Jon Osgood, Public Utilities Commission, state energy conservation code office
Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business
Jerry Tepe, Board of Architects, licensed architect

Excused:

Med Kopczynski, NH Municipal Association
James Petersen, PE, Board of Engineers, licensed mechanical engineer
Mike Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design
Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

Absent:

Mark Tibbetts, NH Association of Fire Chiefs, municipal volunteer fire chief

Guest:

Marta Modigliani, Legal Counsel, Office of the Commissioner Dept of Safety

Chair Robert Clegg declared the meeting open with a quorum of Board member present.

GENERAL MEETING

Adoption of meeting minutes from March 9, 2007:

Motioned to adopt the meeting minutes from March 9, 2007 was made. Wayne Richardson **Seconded** the **Motion**. There being no discussion - vote was taken. Vote was **unanimous in favor** and so declared adopted by the Chair.

OLD BUSINESS

Update on SB 81:

SB 81 ended up being amended was passed yesterday without any discussion on the floor. Thank you to Jerry and Tedd for showing up. SB 81 title will change now. People may attempt to tack something onto it. If that is done - it could end up in a Committee of Conference and we could lose the whole thing. Jerry Tepe asked that this essentially replaces the year - in RSA 155. . . the amendments that were now already in law - they are still there, right? Chairman Clegg answered it depends on how they were put in there. Marta will look into it. Chairman Clegg explained that if there is a question/conflict in the law - the last law adopted takes the precedence.

Update on HB 155:

The Board seats with Fire Department positions - it came into the House the way we wanted it - and it 'should' go out of the Senate the same way.

Update of SB 210:

Has been Re-Refered to Committee. It is hard to get them to understand.

Update on SB 243:

Hearing is next Tuesday. In order to get the Home Builders Association approval/backing - they exempted them from the statute. If you are a member and take their classes - you don't have to go and get any continuing education - just automatically rolling. Chairman Clegg will continue to complain in the House, and welcomes anyone else who agrees. If you are going license people - license everyone. It has to be fair for all.

Jerry Tepe asked about the effective date on the bills. If you are in the middle of working on a design project with the current state code - and a bill becomes effective - it could mean a major re-design. Wayne Richardson said the way their town gets around it is if you already have received a site plan approval - then you are covered. Laura Black said that buildings that in construction now, the talk in the field is that if/when 2006 Codes are adopted, they may be able to change this particular item per that Code. So they are aware of the changes. Tedd Evans said the effective date shall take effect 60 days after passage. We assume we will be able to get the amendments in order and get them through this Board at least simultaneously or prior to that date.

Modular Home Industry tour:

Something still needs to be done on this issue. Chairman Clegg asked if everyone was still interested in the tour.

Letter from Steven Rancourt:

Item put on the AGENDA in error. Tom Malley reported that this was basically one person reporting a complaint. Has nothing to do with this Board. It just deals with the electricians' board.

Energy Code compliance discussion:

Wayne Richardson spoke with Jon Osgood said there was some concerns expressed a couple of meetings ago with lack of compliance. Wayne thinks perhaps a blower or compliance test being required. Jon Osgood expressed his concern that perhaps code compliance might be broader than just energy code compliance. Chairman Clegg responded that code compliance issues are a local issue and the State is not about to state putting on state inspectors. There are some communities

that have a local contractor inspecting all of his competitors work. Would like to put this item off until next meeting.

Building Safety Week:

Tedd Evans reported that he and Mike contacted the Governors office and he is in favor of signing a Proclamation for the week. He is waiting to hear from the Governor's office on a date and time.

FAQ errors/Section on website:

Marta is still working on revisions.

Appendix G to the 2006 IRC:

Another item put on the AGENDA in error.

Appendix G to the 2006 International Building Code:

Another item put on the AGENDA in error.

NEW BUSINESS

Summer hiatus:

Rick Swain suggested that if the Board needed to get together over the summer to pass the Amendments (within the 60 day time frame) - is to take the hiatus and get together for a quick meeting. Chairman Clegg will leave the June meeting open. The Board will take July and August off - to be at the call of the Chair should a situation arise that the Board would need to meet during those two months.

Investigative report - Zambrowicz residence:

Rick Swain reported that a 2 year old child - took the floor grill out of the floor - stood in the 'hole' and the duct gave way beneath him because it was not designed to hold his weight (32 pounds). As a result the 2 year old fell through onto the floor beneath. Panning is used for return air duct work instead of regular duck work and can be made out of anything that complies with Code. Basically what they do is use the existing floor joist bay as a duct - capping over it at the bottom. Result was that in his opinion this was a failure to install properly as directed by the manufacturer. If they had installed the number of attachments that is required by the manufacturer it probably would have held. Tedd Evans asked if the floor grate (grill) was fastened. Rick said it was not fastened - and they are not routinely fastened down. Tom Malley said we can not regulate everything - people have to take some responsibility themselves. It was not meant to stand in. Mark Weissflog said this could turn into an Energy Code compliance issue. In high performance homes duct panning is not allowed. It is a point of huge energy losses, supplies and returns. Chairman Clegg asked that Rick talk over his report with Marta before it's issued.

OTHER BUSINESS

Discussion Board matters via email may be out of compliance with 91-A

John Tuttle made the **Motion** to go into Attorney-Client privileged discussion. Jerry Tepe **Seconded** the discussion. Board voted **Unanimous** to go into session.

After Attorney-Client discussion, Chairman Clegg recognized Tom Malley and thanked him for all of his efforts, his 'hanging in there', and the vast knowledge he has brought to this Board during the time he served.

Jerry Tepe said that the May's meeting is scheduled for the same time as training to be given by the Attorney Generals office for Board members. Chairman Clegg highly recommended Board members attend the training - and will cancel the May meeting. Evvy will send out a reminder email.

ADJOURNMENT

Tedd Evans made the Motion to adjourn. John Tuttle Seconded the Motion. Vote was taken and was Unanimous in favor. Chairman Clegg declared the meeting adjourned.

NEXT MEETING: June 8th